

Serial No. 10/078,674

Docket No. HI-0064

Amdt. dated April 12, 2006

Reply to Office Action of December 13, 2005

### **REMARKS**

By the present response, Applicants have submitted new claims 25 and 26 for consideration by the Examiner and submit that these claims do not contain any prohibited new matter. Further, Applicants have amended claims 1, 2, 4-6, 10, 13 and 16-19 to further clarify the invention. Claims 1-26 remain pending in the present application.

In the Office Action, claim 1 has been rejected under 35 U.S.C. § 112, second paragraph. Claims 1-3, 10, 11, 13-16, 19, 20 and 22-24 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,657,988 (Toskala et al.). Claims 4-9, 12, 17, 18 and 21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Toskala et al. in view of U.S. Patent No. 6,680,928 (Dent).

#### **35 U.S.C. § 112 Rejections**

Claim 1 has been rejected under 35 U.S.C. § 112, second paragraph. The Examiner asserts that the term “a plurality of frames” is missing from the claim and such omission amounts to a gap between the elements. Applicants respectfully disagree with this assertion; however, the claim has been amended to include this limitation in order to further advance prosecution of the present application.

#### **35 U.S.C. § 102 Rejections**

Claims 1-3, 10, 11, 13-16, 19, 20 and 22-24 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Toskala et al. Applicants respectfully traverse these rejections.

To anticipate a claim, a prior art reference must disclose every limitation of the claimed invention, either explicitly or inherently. In re Schreiber, 128 F.3d 1473, 1477, 44 U.S.P.Q.2d (BNA) 1429, 1431 (Fed. Cir. 1997). The identical invention must be shown in as complete detail as is contained in the . . . claim. Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); M.P.E.P. §2131. The elements must be arranged as required by the claim. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); M.P.E.P. §2131. It is respectfully submitted that the Examiner has not met the required legal burden as set forth by the courts to substantiate valid rejections under 35 U.S.C. 102(e).

Toskala et al. discloses timing adjustment for uplink synchronous transmission in WCDMA whereas the downlink DPCH field carries a transmit power command (TPC) in each of these slots in a radio frame, the TPC can be replaced by a time alignment bit (TAB) to indicate whether the received arrival time at a node B of a DPCH message from a UE is earlier or later than a desired arrival time. The TAB is sent to the UE over a number of times so as to allow the UE to adjust the uplink transmission time based on a summed value of the TABs.

Regarding claims 1, 10, 13, 19 and new claim 25, Applicants submit that Toskala et al. does not disclose or suggest the limitations in the combination of each of these claims. The Examiner asserts that all the limitations in each of these claims are disclosed in Toskala and Figures 3A, 3B and 4, and col. 4, lines 55-60 thru col. 7, line 24, and col. 2, lines 18-43.

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Applicants point out that the Examiner has cited the entire detailed description of the Toskala et al. reference. As noted previously, this is an improper § 102 rejection since the Examiner fails to specifically point out where in the cited reference each and every limitation is allegedly disclosed or suggested.

Applicants submit that Toskala et al. does not disclose or suggest assigning a weighting value to each of multiple units of time alignment bit information received, or combining the weighted units of TAB information, determining a timing renewal value based on the combination, checking the timing of a signal transmitted from a user equipment, the timing of the signal being based on a combination of weighted units of time alignment bit information, assigning a weighting value to each of multiple units of a plurality of received time alignment bits in accordance with the corresponding order of receipt and determining a deviation of the transmission time by combining the weighted units, or receiving a particular uplink signal from one of a plurality of mobile stations, the particular uplink signal being based on a combination of weighted units of time alignment bit information. Toskala et al. merely discloses a UE adjusting the uplink transmission time based on a summed value of the time alignment bits received over a number of times. Toskala et al. does not disclose or suggest anything related to assigning a weighting value to each of multiple units of the TAB information received, as recited in the claims of the present application. Moreover, Toskala et al. does not disclose or suggest combining the weighted units of TAB information and determining a timing renewal value based

on the combination. The Examiner fails to specifically point out anywhere in the Toskala et al. reference where these limitations are disclosed or suggested.

Moreover, for a better understanding, embodiments of the present invention as recited in the claims are related to providing a method of controlling the timing for an uplink synchronous transmission scheme, using a plurality of TAB information received in a UE and is to provide a method of combining a plurality of TAB information, during a predetermined time, to calculate the timing renewal value used to control the timing in a UE. In combining the plurality of TAB information, the selection of the TAB information to be combined may have a plurality of methods. Among the selection method for combining the TAB information, the TAB information whose value is greater than a predetermined threshold value or a weighting value that is granted in accordance with the order the TAB information is received is used. In contrast, Toskala et al. discloses Walsh code, which is used for distinguishing a channel of a base station in a UE, (see, Fig. 2, col. 5, lines 47-67 through col. 6, lines 3, cited by the Examiner). Further, the “weighting factor” indicated in Toskala et al. relates to “Walsh code” W11-1, W12=1, W21=1, W22=1 (see, col. 6, lines 54-59). This is not weighting factor assigned to the TAB information, as recited in the claims of the present application. Moreover, according to embodiments of the present invention, the TAB information are combined in one combiner, though each different weight value is assigned to the TAB information (see, Applicants’ drawings Fig. 3, 4 and 5). In contrast, in Toskala et al., an information assigned with the same

weighting factor is only multiplied in one combiner. That is, in Toskala et al. each of the weighted information signals 56Aa,...56Na, multiplied by weighting factors associated with channel a, are combined by the one combiner 58a to produce a combined weighted information signal 60a (see, Fig. 2, col. 6, lines 4-23). Toskala et al. can only combine an information that same weighting factors is assigned in one combiner.

Regarding claims 2, 3, 11, 14-16, 20, 22-24 and 26, Applicants submit that these claims are dependent on one of independent claims 1, 10, 13 and 19 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicants submit that Toskala et al. does not disclose or suggest the limitations in the combination of each of claims 1-3, 10, 11, 13-16, 19, 20 and 22-26 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

#### 35 U.S.C. § 103 Rejections

Claims 4-9, 12, 17, 18 and 21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Toskala et al. in view of Dent. Applicants respectfully traverse these rejections and submit that these claims are dependent on one of independent claims 1, 10, 13 and 19 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims. Applicants submit that Dent does not overcome the substantial defects noted previously regarding Toskala et al.

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Accordingly, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose suggest or render obvious the limitations in the combination of each of claims 4-9, 12, 17, 18 and 21 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

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### CONCLUSION

In view of the foregoing Amendments and remarks Applicants submit that claims 1-26 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Frederick D. Bailey, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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